

1 GARY A. BORNSTEIN (*pro hac vice*)
gbornstein@cravath.com
2 YONATAN EVEN (*pro hac vice*)
yeven@cravath.com
3 LAUREN A. MOSKOWITZ (*pro hac vice*)
lmoskowitz@cravath.com
4 MICHAEL J. ZAKEN (*pro hac vice*)
mzaken@cravath.com
5 M. BRENT BYARS (*pro hac vice*)
mbyars@cravath.com
6 **CRAVATH, SWAINE & MOORE LLP**
375 Ninth Avenue
New York, New York 10001
7 Telephone: (212) 474-1000
8 Facsimile: (212) 474-3700

9 PAUL J. RIEHLE (SBN 115199)
paul.riehle@faegredrinker.com
10 **FAEGRE DRINKER BIDDLE & REATH LLP**
Four Embarcadero Center
San Francisco, California 94111
11 Telephone: (415) 591-7500
12 Facsimile: (415) 591-7510

13 *Attorneys for Plaintiff and Counter-defendant*
Epic Games, Inc.

14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **OAKLAND DIVISION**

18 EPIC GAMES, INC.,
19 Plaintiff, Counter-defendant,
20
21 v.
22 APPLE INC.,
23 Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**DECLARATION OF MICHAEL J. ZAKEN
IN SUPPORT OF EPIC GAMES, INC.'S
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE MOTION IN EXCESS OF
PAGE LIMITS**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, Michael J. Zaken, declare as follows:

2 1. I am a Partner at Cravath, Swaine & Moore LLP, counsel to Epic Games, Inc.
3 (“Epic”) in the above-captioned actions. I am admitted to appear before this Court *pro hac vice*.

4 2. I submit this declaration in support of Epic’s Administrative Motion for Leave to
5 File Motion in Excess of Page Limits (the “Motion”), dated May 29, 2025.

6 3. I have personal, first-hand knowledge of the facts set forth in this Declaration. If
7 called as a witness, I could and would competently testify to these facts under oath.

8 4. On May 29, 2025, counsel for Epic emailed counsel for Apple Inc. (“Apple”)
9 requesting that Apple consent to a stipulation extending the page limit for Epic’s Motion for
10 Relief from a Nondispositive Order of a Pretrial Judge (“Relief Motion”), to be filed May 29,
11 2025, to ten pages.

12 5. Counsel for Apple responded via email on May 29, 2025, stating that Apple takes
13 no position on Epic’s request for an extension of pages for its Relief Motion.

14 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
15 and correct and that I executed this declaration on May 29, 2025, in New York, New York.

16
17 /s/ Michael J. Zaken
18 Michael J. Zaken
19
20
21
22
23
24
25
26
27
28